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S E C R E T SECTION 01 OF 02 KUWAIT 003369

SIPDIS

NOFORN

FOR NEA/ARP, S/WCI

E.O. 12958: DECL: 09/25/2014

TAGS: PREL PTER KU

SUBJECT: KUWAITI DETAINEES IN U.S. CUSTODY: MFA AFFIRMS THEIR RE-IMPRISONMENT, SAYS EXTRADITION IS GOOD POLITICS

REF: A. STATE 204029
B. KUWAIT 3056

Classified By: DCM Matthew H. Tueller, reasons 1.4(b) and (d)

11. (C) Political Chief met September 26 with MFA Director of Coordination and Follow-up, Ambassador Khalid Al-Maqamis, to deliver information on the designation of a Kuwaiti national as an enemy combatant (Ref A and Septel) and to receive information on the verdict against detainee Adel Zamil Abdul Mohsin Al-Zamil. (Note: Text faxed to NEA/ARP for official Department translation; unofficial translation of text provided in para 5.) Al-Maqamis used the meeting to discuss the status of several Kuwaiti detainees and argued that their extradition to Kuwait would only bolster already strong bilateral relations.

12. (C) Al-Maqamis said the GOK was already aware of the September 20 designation of Sa Ad Madhi Sa Ad Howash Al Azmi as an enemy combatant, but appreciated the official notification. He reported that Post had thus far provided official notification of the enemy combatant status of two Kuwait nationals, but there remain three, not yet identified, Kuwaitis in U.S. custody who had been declared enemy combatants. He sought post assistance in clarifying the status of these additional detainees.

13. (C) Turning to the extradition of Al-Mutairi, Al-Maqamis said an aircraft was ready and that the GOK was waiting for instructions regarding the flight plans and Guantanamo entry requirements for the traveling security team. He added the GOK strongly hoped Al-Zamil could be transported on the same plane. PolChief was noncommittal, commenting that the information provided in the dipnote would help Washington reach a final decision on Al-Zamil. Al-Maqamis pressed the matter, describing the detainee issues as a problem of internal politics. Members of Parliament had begun inquiries into the status of Kuwaiti nationals in U.S. custody and family members of the detained were gaining increasingly more attention from the press. The U.S. return of as many detainees as possible in the shortest time frame allowable would alleviate pressure on the GOK and cast a positive light on U.S.-GOK relations. He further stressed that all detainees would be immediately incarcerated, the GOK would abide by all agreements reached with the U.S. on the handling of the detainees, and family members of detained Kuwaitis had been informed their relatives would be imprisoned upon return to Kuwait.

14. (S/NF) Al-Maqamis also raised the case of Abdelrahman Al-Bathali (also Al-Badali), reportedly a minor detained at Abu Ghraib. He said the ICRC as well as Iraqi Minister of Human Rights Bakhtyar Amin had confirmed Al-Bathali's detention; he was perplexed why the USG could not do the same. While Al-Bathali's return to Kuwait is the GOK's ultimate goal, in the interim, Al-Maqamis asked post to provide an update on his status, any information on whether he had been interrogated, and a possible date for his release.

15. (SBU) Unofficial Translation of Al-Zamil Dipnote.

Ministry of Foreign Affairs
Coordination and Follow-up Department

20042119

September 25, 2004

Strictly Confidential and Urgent

The Ministry of Foreign Affairs sends its compliments to the Embassy of the United States of America in Kuwait.

We would like to inform you that the Kuwaiti citizen detained in Guantanamo, Adel Zamil Abdul Mohsin Al-Zamil, is wanted for arrest by the Kuwaiti authorities immediately upon entering the country, in execution of the verdict issued against him in the case No. 1465/2000 (appealed felonies) 444/2000 felonies (200/2000 Nugra) dated November 6, 2000 which provided for jailing him for one year as a final

verdict and not subject to appeal.

We would like to also inform you that officials in the State of Kuwait have approved sending a special plane to transport the Kuwaiti citizen detained in Guantanamo, Nasser Nagir Al-Mutairi, to the State of Kuwait, and also wants to inform you that the concerned authorities will take all the legal measures with the detainee upon extraditing him pursuant to the laws of Kuwait and the legal aspects enshrined in your memo No. 760 dated August 11, 2004.

16. (U) Baghdad: minimize considered.
LeBaron